

B. FOOD ASSISTANCE

Purpose: This section shows who must be in an assistance unit (AU) for food assistance and explains how certain living arrangements impact a client's AU and eligibility for food assistance.

Effective December 1, 2001

WAC 388-408-0034 What is an assistance unit for food assistance?

For all sections of this chapter:

"We" means the Department of Social and Health Services;

"You" means the person applying for or receiving benefits from the department;

"Assistance Unit" or **"AU"** is the group of people who live together and whose income and resources we count to decide if you are eligible for benefits and the amount of benefits you get.

"Boarder" means a person who:

- (1) We decide pays a reasonable amount for lodging and meals; or
- (2) Is in foster care.

"Live-in attendant" means a person who lives in the home and provides medical, housekeeping, childcare, or similar personal services an AU member needs because:

- (1) A member is aged, incapacitated, or disabled;
- (2) A member of the AU is ill; or
- (3) A minor child in the AU needs childcare.

"Parent" means a natural, step, or adoptive parent. A stepparent is not a parent to a child if the marriage to the child's natural parent ends due to divorce or death.

A person who lives with you pays a **"reasonable amount"** for meals if:

- (1) You provide two or more meals a day and they pay at least the maximum allotment under WAC 388-478-0060 for their AU size; or
- (2) You provide one meal a day and they pay at least two-thirds the maximum allotment under WAC 388-478-0060 for their AU size.

"Roomer" means a person who pays for lodging, but not meals;

A person has a **"separate residence"** from an AU if they have separate living, cooking, and sanitation facilities.

"Spouse" means your husband or wife through a legally recognized marriage.

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WAC 388-408-0035 Who is in my assistance unit for food assistance?

- (1) For food assistance, a person must be in your assistance unit (AU) if they:
 - (a) Live in the same home as you; and
 - (b) Usually purchase and prepare food with you.
- (2) If the following people live with you, they must be in your AU even if you do not usually purchase and prepare food together:
 - (a) Your spouse;
 - (b) Your parents if you are under age twenty-two (even if you are married);
 - (c) Your children under age twenty-two;
 - (d) A child under age eighteen who doesn't live with their parent unless the child:
 - (i) Is emancipated;
 - (ii) Gets a TANF grant in their own name; or
 - (iii) Gets income in their own name of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings

- (e) Someone not listed in (a) through (d) above if:
 - (i) You provide meals for them; and
 - (ii) They pay less than a reasonable amount for meals.
- (3) Anyone who must be in your AU under subsection (2) or (3) is an ineligible AU member if they:
 - (a) Are disqualified for an intentional program violation (IPV) under WAC 388-446-0015;
 - (b) Did not meet ABAWD work requirements under WAC 388-444-0030.
 - (c) Did not meet work requirements under WAC 388-444-0055;
 - (d) Did not provide a social security number under WAC 388-476-0005;
 - (e) Did not meet the citizenship or alien status requirements under chapter 388-424 WAC;
 - (f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010;
 - (g) Are disqualified for a drug-related felony under WAC 388-442-0010.
- (4) If your AU has an ineligible member:
 - (a) We count the ineligible member's income to the AU under WAC 388-450-0140;
 - (b) We count all the ineligible members resources to the AU; and
 - (c) We do not use the ineligible member to determine the AU's size for the maximum income amount or allotment under WAC 388-478-0060.
- (5) If the following people live in the same home as you, you can choose if we include them in the AU:
 - (a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the

- (b) A boarder. If you do not include a boarder in your AU, the boarder cannot get food assistance in a separate AU;
 - (c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get food assistance in a separate AU;
 - (d) Roomers; or
 - (e) Live-in attendants even if they purchase and prepare food with you.
- (6) If someone in your AU is out of your home for a full issuance month, they are not eligible for benefits as a part of your AU.
- (7) The following people who live in your home are not members of your AU. If they are eligible for food assistance, they may be a separate AU:
- (a) Someone who usually purchases and prepares meals separately from your AU if they are not required to be in your AU; or
 - (b) Someone who lives in a separate residence.
- (8) A student who is ineligible for food assistance under WAC 388-482-0005 is not a member of the AU.

CLARIFYING INFORMATION

1. Purchase and prepare concept:

The purchase and prepare rule applies to the typical shopping and eating arrangements of the people who live in the home. Clients who normally buy and cook their food separately can be in separate AUs if they do not have to be in the same AU for some other reason. The purchase and prepare rule does not force clients into the same AU if they occasionally share a meal.

2. When a minor child doesn't live with an adult:

If a minor child doesn't live with an adult, we decide who is in the AU as if the minor child was an adult. We do not consider a minor child who lives alone as under parental control even if they have a payee.

3. When parents have shared custody of a child:

A client can only be in one AU during a given month. A child may get food assistance in the AU where they are "living". We do not use a set number of hours or days someone must sleep in the home to decide if a child is living in the home. If a child stays with their parents who do not live together, we decide where the child lives based on the actual living arrangements.

- a. If the child lives in one home 51% of the time, and the other home for the rest of the time, they can only get food assistance in the home where they live 51% of the time. This is true even if the parent the child lives with the majority of the time doesn't apply for assistance.
- b. If a child lives with two people for an equal amount of time, the child can get assistance in the AU that applies for benefits first.

4. **Adult children living at the same address as their parents:**

If an adult child age 18 through 21 lives at the same address as their parents, the child can be a separate AU from the parents **only** if the child has separate living, cooking, and sanitation facilities.

EXAMPLE 1

An 18-year-old adult child lives in a basement apartment at her parent's residence. The apartment has a small kitchen, living room, and bathroom that only the adult child uses. If the adult child usually buys and cooks her food separately from her parents, she can be a separate AU.

EXAMPLE 2

Adult child age 21 lives in a camper in the parent's yard. It does not have a bathroom (only a porta-potty) so the adult child uses the bathroom in the parent's residence for showers. This adult child is not a separate AU.

5. **Spouses who live at the same address:**

If a client lives at the same address as their spouse, the client can be a separate AU from their spouse **only** if they have separate living, cooking, and sanitation facilities.

EXAMPLE 1

Husband and wife are separated. The wife lives in the house, but the husband lives in a trailer on the property. They both claim to buy and cook their food separately from each other. The trailer has separate heating, cooking, and sanitation facilities that the husband uses. The husband and wife can be separate AUs.

EXAMPLE 2

Husband and wife are separated. The husband lives in the house and the wife lives in a trailer on the property. The trailer has separate heating, cooking, and sanitation facilities, but the wife makes her meals in the house because the trailer only has a hot plate. The husband and wife cannot be separate AUs, because they use some of the same cooking facilities.

6. Live-in attendants:

- a. A client does not have to be a paid employee to be a live-in attendant.
- b. Someone who must be in a client's AU under WAC 388-408-0035(3) cannot be in a separate AU even if the person is the client's live-in attendant.

7. Income of an elderly and disabled AU member's spouse:

If an elderly and disabled person can't buy and cook their own food, but they want to be a separate AU, we compare the income of the other people who live in the home to the 165% standard. We don't count the income of the elderly and disabled person's spouse because spouses who live in the same home must be in the same AU.

8. Home-monitored AU members:

AU members who live at home and are being monitored by the court can get food assistance benefits if they meet all other eligibility requirements.

9. FAP AUs:

We use the same AU rules for FAP as we do for federal food stamps.

WORKER RESPONSIBILITIES**Deciding if a boarder pays a reasonable amount for meals:**

1. Use only the amount the boarder pays for meals to decide if they pay a reasonable amount.
2. If you can't decide how much the boarder pays for meals, use the amount they pay for both meals and lodging.
3. Decide if the boarder pays a reasonable amount for meals as follows:
 - a. If the boarder gets two or more meals a day, the boarder must pay at least the maximum allotment under WAC 388-478-0060 for the boarder's AU size.
 - b. If the boarder gets one meal a day, the boarder must pay at least two-thirds of the maximum allotment for the boarder's AU size.
4. If the boarder pays a reasonable amount for food, offer the AU that provides the board the option to include the boarder in their AU. The boarder cannot receive benefits in a separate AU.
5. If the boarder doesn't pay a reasonable amount for food, they don't meet the definition of a boarder for food assistance. Tell the AU that provides the board that they must include the boarder in their AU.

Effective December 1, 2001

WAC 388-408-0040 How does living in an institution affect my eligibility for food assistance?

- (1) For food assistance, an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.
- (2) Most residents of institutions are not eligible for food assistance.
- (3) If you live in one of the following institutions, you may be eligible for food assistance even if the institution provides the majority of meals:
 - (a) Federally subsidized housing for the elderly;

- (b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative;
 - (c) Qualified group homes for persons with disabilities;
 - (d) A shelter for battered women and children when the resident left the home that included the abuser; or
 - (e) Nonprofit shelters for the homeless.
- (4) A qualified group home is a nonprofit residential facility that:
- (a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(6); and
 - (b) Is certified by the division of developmental disabilities (DDD).
- (5) Elderly or disabled individuals and their spouses may use food assistance benefits to buy meals from the following if FNS has approved them to accept food assistance benefits:
- (a) Communal dining facility; or
 - (b) Nonprofit meal delivery service.
- (6) If you are homeless, you may use your food assistance benefits to buy prepared meals from meal providers for the homeless

CLARIFYING INFORMATION

1. Institutions

A client who lives in an institution that provides meals may be eligible for food assistance benefits when:

- a. The client can't eat the institution's meals because they need a special diet; and
- b. The institution is unable or unwilling to provide the special diet.

2. Group Homes

- a. For group homes, an AU is any person or group of people who apply for food assistance together.
 - b. Minors who live in a group home may be a separate food assistance AU.
3. **Organizations that provide meals to homeless people:**
- a. To accept food assistance benefits for prepared meals, organizations that provide meals to homeless people must be approved by the Division of Employment and Assistance Programs and certified by Food and Nutrition Service (FNS). If a public or private non-profit organization asks about approval for this, have them call the administrator for program eligibility in the Division of Employment & Assistance Programs. (360) 413-3255.
 - b. Organizations that provide meals to homeless people cannot be authorized representatives for food assistance.
4. **Communal dining and home-delivered meals:**
- FNS does not provide a list of facilities that they approve for communal dining or home-delivered meals. Clients must ask the food service organization if they accept food assistance benefits for payment.

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WAC 388-408-0045 Am I eligible for food assistance if I live in a shelter for battered women and children?

- (1) You may be eligible for food assistance if you live in a shelter for battered women and children.
- (2) If you live in a shelter for battered women and children and you left an assistance unit (AU) that included the abuser, we certify you a separate AU for food assistance:
 - (a) You may get additional amount of food assistance benefits even if you received benefits with the abuser.
 - (b) The department will decide your eligibility and benefits based on:
 - (i) The income and resources you have access to; and

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| (ii) The expenses you are responsible for. |
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WORKER RESPONSIBILITIES

1. If clients are already receiving benefits in an AU, remove those who are in the shelter from their previous AU.
2. Tell the client that they can:
 - a. Use food assistance benefits to buy meals prepared by the shelter if the shelter is authorized by Food and Nutrition Service (FNS) to accept them; or
 - b. Designate an employee of the facility as an authorized representative when the shelter purchases food for the shelter residents at retail stores.

NOTE: Clients who are in a shelter for battered women and children are often not able to access resources that they legally own. Remember to exclude resources that aren't available to the client under WAC 388-470-0015.

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WAC 388-408-0050 Does the department consider me homeless for food assistance benefits?

The department considers you as homeless if you do not have a regular nighttime residence or when you stay primarily in a:

- (1) Supervised shelter that provides temporary living or sleeping quarters;
- (2) Halfway house that provides a temporary residence for persons going into or coming out of an institution;
- (3) Residence of another person that is temporary and the client has lived there for ninety days or less; or
- (4) A place not usually used as sleeping quarters for humans.

CLARIFYING INFORMATION

If the AU is homeless at the time of application or recertification, we consider the AU as homeless for the entire certification period.

WORKER RESPONSIBILITIES

The 90-day period for temporary living arrangements:

1. Start a new 90-day count when the client:
 - a. Moves from the residence of one person to the residence of another person if the client is living in the second residence on a temporary basis; or
 - b. Moves out of their current residence (for at least one day) and later moves back into that residence.
2. Count the 90-day period consecutively from the date the client moved into their current temporary residence.